

Commonwealth  
of  
Kentucky

# **Judicial Conduct Commission**

**Information Pamphlet:**  
***Complaints About***  
***Judicial Conduct***

# **Q**UESTIONS AND ANSWERS

## **ABOUT THE JUDICIAL CONDUCT COMMISSION**

### **1      WHAT IS THE COMMISSION?**

The Commission is an independent state agency that handles complaints about Kentucky judges regarding judicial misconduct or wrongdoing. The Commission functions under rules established by the Kentucky Supreme Court.

The Commission has authority over judges, trial commissioners, domestic relations commissioners, master commissioners, and lawyers who are candidates for judicial office.

### **2      WHO MAY FILE A COMPLAINT WITH THE COMMISSION?**

Any individual or group may file a complaint. The Commission has received complaints from litigants, attorneys, jurors, court-watchers, court personnel, prisoners, court administrators, judges – anyone who has knowledge of possible judicial misconduct or wrongdoing.

### **3      HOW DO I FILE A COMPLAINT?**

Complaints must be submitted in writing. Please write or phone the Commission and provide your name, address, and telephone number and a complaint form will be mailed to you. The mailing address and telephone number of the Commission are as follows:

Judicial Conduct Commission  
P. O. Box 21868  
Lexington, KY 40522  
(606) 233-4128  
FAX (606) 233-4128  
[www.kycourts.net](http://www.kycourts.net) (click on  
Judicial Conduct Commission  
under the General drop-down  
menu)

**4 I'M UNHAPPY WITH THE OUTCOME OF MY CASE.  
CAN THE COMMISSION HELP ME?**

No. The commission does not have authority to review a case for judicial error or to direct a different result in the case. These functions are for the state's appellate courts.

Allegations stemming from a judge's rulings or exercise of discretion do not provide a basis for Commission action, and personal dissatisfaction alone cannot be grounds for a judicial investigation.

If you seek to change the outcome of your case, **DISCUSS THIS WITH A LAWYER WITHOUT DELAY.**

For a summary of some types of judicial conduct that may warrant Commission investigation, see "Judicial Misconduct".

**5 HOW WILL MY COMPLAINT BE HANDLED AND  
WHAT CAN THE COMMISSION DO?**

The Commission will carefully review your complaint to determine if it is within the Commission's jurisdiction. If a complaint is not within the Commission's jurisdiction (see discussion under Question 4), it will be dismissed at the outset.

When the Commission finds sufficient cause, it will initiate a preliminary investigation, including a meeting with the judge. If the complaint is not resolved at this stage, the Commission will file formal charges against the judge and hold a fact-finding hearing. At the hearing, the judge has the right to defend against the charges and be represented by a lawyer. The case is presented by the Commission's attorney. You may be subpoenaed as a witness if you have personal knowledge of wrongdoing.

If no violation is found, the complaint will be dismissed. If the Commission finds improper conduct on the part of the judge, or a disability which is seriously interfering with the judge's ability to perform judicial duties, the Commission may take the following actions:

- Publicly admonish or reprimand the judge.
- Publicly reprimand, censure, or suspend the judge.
- Remove the judge from office or, in the case of disability, order the judge's retirement from the bench.

The action taken by the Commission is final unless the judge appeals to the Kentucky Supreme Court. The Supreme Court can affirm, modify, or set aside the Commission's action.

## **6 ARE COMPLAINTS TREATED CONFIDENTIALLY?**

The rules governing the Commission provide confidentiality during the investigation process. If the matter is sufficiently serious to warrant a hearing, the judge is provided the factual information accumulated by the Commission including the name of the complainant if relevant.

Upon the filing of formal charges against a judge and after receipt of the judge's response to the charges, the charges and the judge's response will be made public. All subsequent proceedings regarding the formal charges will be public. However, the Commission's deliberations in reaching any decision regarding the charges will not be public.

The complainant will be notified as to what action is taken regarding the complaint unless the disposition is a private admonishment or private reprimand. Final disposition of some complaints may take several months or longer.

#### **JUDICIAL MISCONDUCT**

**THE FOLLOWING ARE SOME TYPES OF JUDICIAL MISCONDUCT THAT MAY LEAD TO DISCIPLINE:**

##### **IMPROPER INFLUENCE**

- Allowing family, social, or political relationships to influence judicial decision-making.
- Conflicts of interest.
- Giving or receiving gifts, bribes, loans, or favors.

##### **IMPROPER COURTROOM DECORUM**

- Improper conduct while on the bench, such as sleeping or drunkenness.
- Expressions of bias based on race, gender, ethnicity, etc.
- Rude, abusive, and otherwise improper treatment of parties, counsel, witnesses, jurors, court staff, and others.

## **OTHER IMPROPER OR ILLEGAL ACTIVITIES INCLUDING OFF-BENCH CONDUCT**

- **Failing or refusing to dispose promptly of judicial business.**
- **Abusing the contempt power.**
- **Interfering with the attorney-client relationship.**
- **Communicating improperly with only one side to a proceeding.**
- **Commenting on or interfering with a pending or impending case.**
- **Engaging in improper political campaign activities.**
- **Misappropriating or misusing public property, funds, or resources.**
- **Violating rules relating to court administration.**
- **Obstruction of justice, perjury, or filing a false document.**
- **Ticket fixing.**
- **Criminal conduct.**

## **ABOUT THE COMMISSION**

**The Commission is a State constitutional agency. Since its inception, numerous judges have been removed, involuntarily retired, or publicly disciplined based on the Commission's work. Many more have been privately disciplined by the Commission.**

**The Commission strives to maintain public confidence in the judiciary and promote greater awareness of proper judicial behavior. While the great majority of Kentucky's judges are committed to maintaining the high standards expected of the judiciary, an effective method of imposing sanctions on judges who engage in misconduct or wrongdoing is essential to the functioning of our judicial system. Commission proceedings provide a fair and appropriate mechanism to preserve the integrity of the**

judicial process.

The Commission has six voting members including one representative and one alternate from District Court, Circuit Court, Court of Appeals, and the Kentucky Bar Association, and two representatives appointed by the Governor who are neither judges nor lawyers. All members serve four-year terms.

For information or to File a Complaint.

**JUDICIAL CONDUCT COMMISSION**

**P. O. BOX 21868**

**LEXINGTON, KY 40522**

**(606) 233-4128**

**FAX (606) 233-4128**

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